

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: SHOP-VAC MARKETING AND	:	MDL No. 2380
SALES PRACTICES LITIGATION	:	
<hr style="width: 50%; margin-left: 0;"/>	:	No. 4:12-md-2380
	:	
THIS DOCUMENT RELATES TO:	:	(Judge Kane)
	:	
ALL CASES	:	

ORDER

AND NOW, on this 17th day of July 2014, **IT IS HEREBY ORDERED THAT**

Defendants’ motion to dismiss (Doc. No. 102) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Plaintiff Alan McMichael’s claims alleging breach of express and implied warranties are **DISMISSED WITH PREJUDICE**;
2. Plaintiffs Andrew Harbut and Kris Reid’s claims alleging breach of express and implied warranties are not dismissed;
3. Plaintiff Alan McMichael’s claim alleging violations of the Magnuson-Moss Warranty Act is **DISMISSED WITH PREJUDICE**;
4. Plaintiffs Andrew Harbut and Kris Reid’s claims alleging violations of the Magnuson-Moss Warranty Act are not dismissed;
5. Plaintiffs’ claims alleging violations of state consumer fraud laws are not dismissed; and
6. The Courtroom Deputy is directed to contact counsel in order to schedule an upcoming status conference.

S/ Yvette Kane
 Yvette Kane, District Judge
 United States District Court
 Middle District of Pennsylvania